

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

NEXON KOREA CORPORATION,
a Korean Corporation,

Case No. 2:23-cv-00576-TL

Plaintiff,

SUPPLEMENTAL DECLARATION OF TERENCE SEUNGHA PARK

IRONMACE CO., LTD., a Korean Corporation; JU-HYUN CHOI, individually; and TERENCE SEUNGHA PARK, individually,

Defendants.

1 **SUPPLEMENTAL DECLARATION OF TERENCE SEUNGHA PARK**

2 I, Terence Seungha Park, hereby declare as follows:

3 1. I am the Chief Executive Officer of Ironmace Co., Ltd. (“Ironmace”). I am
 4 submitting this supplemental declaration in response to Nexon’s Opposition to the Motion to
 5 Dismiss for Forum Non Conveniens filed by myself, Ironmace, and Ju-Hyun Choi in the above-
 6 captioned lawsuit (the “Motion”). The facts stated herein are known to me personally, and if
 7 called as a witness, I could and would testify competently thereto.

8 2. In the declaration I submitted in support of the Motion, I explained that almost all
 9 of the internal team communications and other documentation relating to *Dark and Darker* are in
 10 Korean. While it is true that common coding languages use English words, our internal team
 11 notes that we used when programming *Dark and Darker* are almost exclusively in Korean.

12 3. The other preparatory and planning documentation about how we made *Dark and*
 13 *Dark* *and* *Dark* *er* is also almost all in Korean. We have an internal “wiki” that goes into detail about our
 14 game design process and shows that *Dark and Darker* was independently created. That wiki is
 15 written almost exclusively in Korean.

16 4. Ironmace has had seven playtests of *Dark and Darker*. The public playtests have
 17 involved game servers located in Korea, Brazil, Germany, Australia, Singapore, Japan, and the
 18 United States. For six of the seven, the game was available in Korea in the Korean language.

19 5. For the most recent playtest we did in April 2023, we were unable to make the
 20 game accessible in Korea, though it was available everywhere else worldwide. We had to
 21 restrict access in Korea because of the way this playtest was distributed. Korea requires that
 22 games be “rated” before distribution. When a game is available on Steam, a game distributor can
 23 rely on Steam’s rating system to implicitly satisfy that requirement prior to launch. But because
 24 of Nexon’s takedown notice, *Dark and Darker* has been removed from Steam.

25 I declare under penalty of perjury under the laws of the United States of America that the
 26 foregoing is true and correct to the best of my knowledge.

1 EXECUTED at Seongnam, Republic of Korea, this 14th day of July, 2023
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Terence Seungna Park

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1 **CERTIFICATE OF SERVICE**

2 I hereby declare under penalty of perjury under the laws of the United States of America
3 that on this date, the foregoing document was filed electronically with the Court and thus served
4 simultaneously upon all counsel of record.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 EXECUTED on July 14, 2023.

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9 Kristine Nicolas